

## PRETRIAL SERVICES ACT-FOR JUDICIAL OFFICERS

**Purpose:** *To provide assistance to judicial officers, to improve public safety, and to expedite release of adult defendants denied bail subject to rebuttal or held in jail in lieu of a secured bond.*

Enabling Legislation
Pretrial Services Act
§§ 19.2-152.2 <i>et seq.</i> &
Article 1 (§ 19.2-119 <i>et seq.</i> ) of Chapter 9

### FOR JUDICIAL OFFICERS AS DEFINED IN §19.2-119

For adult persons or those considered adults confined awaiting trial and charged with an offense other than one punishable by death

#### Information

§§ 19.2-152.2 & 19.2-121  
Provide Information and Services To:

- A. Judicial Officers at any Bail Hearing [primarily at the initial appearance in court]
- B. Any judicial officer may require pretrial services as a term of bail without the benefit of a pretrial investigation
- C. The recommended term of bail is pretrial supervision **without** the additional term of a secured bond.

#### Services

§§ 19.2-152.4, 19.2-152.4:3, Duties & Responsibilities, & 19.2-123 Provide:

- A. Defendant Interview & Investigation  
subject to consent signed by defendant
- B. Results of Risk Assessment  
[Factors contributing to risk of FTA and pretrial criminality]
- C. Recommendations for term and conditions of bail based on facts and factual conclusions
- D. Report presented in court

#### Custody & Supervision

§§ 19.2-152.4, 19.2-152.4:3, Duties & Responsibilities, & 19.2-123 Provide:

For defendants released from jail to recognizance in lieu of a secured bond. Signing for custody & supervision optional

Supervision is defined as:

- A. Frequency of and types of contacts with pretrial officers and other services as established by the program
- B. Assurance of compliance with conditions of bail
- C. Assure that defendant does not continue criminal behavior
- D. Assure that defendant appears for all Court Hearings
- E. Compliance with all other conditions of bail imposed by judicial officer
- G. Optional Home/Electronic incarceration (§ 53.1-131.2) if ordered
- H. Supervision records confidential

#### Interview and Investigation

- A. Includes Information & Verification of:
  - 1. Family Ties
  - 2. Employment or Education
  - 3. Length of Residence in Community
  - 4. Record of Convictions (VCIN, DMV, CMS & Local)
  - 5. Record of Court Appearances, Flight to Avoid Prosecution, Failures to Appear
  - 6. Substance Abuse Use and History
  - 7. VA Pretrial Risk Assessment as certified by DCJS
- B. Does Not Include Consideration/Discussion of:
  - 1. Weight of Evidence
  - 2. Circumstance(s) of Instant Offense(s)

#### Confidentiality of Reports

§§ 19.2-152.4 :2 and 2.2-3706 F8

- A. Pretrial Investigation Reports are and disseminated to the following:
  - 1. Court
  - 2. Commonwealth's Attorney
  - 3. Public Defender or Defense Attorney
  - 4. Other agencies involved in provision of services
- B. Progress Reports can be shared with those involved with supervision of the defendant

